



Bat Conservation Trust
Partner Group



Brian Armstrong
Committee member
South Yorkshire Bat Group



26 November 2019

Mrs Marian Spain
Interim Chief Executive
Natural England
4th Floor, Foss House,
Kings Pool,
1-2 Peasholme Green
York
YO1 7PX

Re: Narrowing of Scope of the Bat Advice Service Contract

Dear Mrs Spain,

I am writing on behalf of South Yorkshire bat group and Volunteer Bat Roost Visitors (VBRVs) based in South Yorkshire to lodge an objection to the narrowing of the scope of the bat advice service contract¹ administered by the Bat Conservation Trust on behalf of Natural England. We note that no consultation was undertaken with local bat groups or VBRV in this respect.

We have no doubt that the narrowing of the contract has been driven by reduction in Natural England funding. It is considered that the provision of advice under the bat advice service contract represents outstanding value for money. A large part of this outstanding value is considered to be made up of volunteer time which, if a cost were put to it at the relevant professional grades, would far outweigh the BCT and Natural England office-based costs of providing formal written advice. We are concerned that the true value of volunteer time is unlikely to have been properly taken into account in considering the narrowing of the scope of the bat advice contract and associated cost savings.

In particular this objection relates to the narrowing of the contract to exclude the re-roofing of domestic properties as outlined in the attached BCT communication of 31/10/19 to all VBRVs. The exclusion of advice for minor works to public buildings, such as pest control, as set out in the advice service contract summary¹ is also of concern. We understand that in these instances the owner/building manager will be directed to commission a consultant ecologist.

Further detail with respect to these concerns is set out below.

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/825663/bat-contract-summary.pdf

Implications for bat conservation

It is considered that the narrowing of the bat advice service contract results in a contradictory and disproportionate position that has potential for serious negative impact on bat conservation. This includes the following:

- The erosion of goodwill that has been built up with roost owners and makes having a bat roost a liability instead of a neutral factor.
- The cost of commissioning a consultant is disproportionately expensive compared to the cost of re-roofing or pest control. This is considered likely to pose a fundamental problem where the roost owner only has sufficient funds for re-roofing/pest control but not for consultancy fees. This will inevitably force some roost owners into the untenable position of having to choose to either neglect the upkeep of their building or to seek to have work undertaken without ecologist advice.
- The removal of advice for re-roofing will disproportionately impact bat species that predominantly roost within roof voids, specifically the brown long-eared bat. This is a species of principal importance under the Natural Environment and Rural Communities Act.
- The contradictory position where advice can be given for one type of roost, e.g. a common pipistrelle roost in a soffit box, but not a brown long-eared bat roost in a roof void.
- Bat roosts can be excluded under the bat advice service contract, but re-roofing work cannot be covered. It is considered inevitable that this will cause a rise in requests for roost exclusions which would erode any potential cost savings that have been identified and have a detrimental impact on bat conservation.
- The absurd position where roof repairs, which may have equal potential for impact and need identical advice/approach can be covered under the bat advice service contract, but re-roofing works cannot.

Legal context

Given the above it is considered that the narrowing of the bat advice service contract fails to comply with the government's legal duties under:

- The Conservation of Habitats and Species Regulations 2017 (as amended) that requires that a competent authority:

“...in exercising any of its functions, must have regard to the requirements of the Directives² so far as they may be affected by the exercise of those functions”.

² Defined as the Habitats Directive and Wild Birds Directive.

- The Natural Environment and Rural Communities Act 2006, which requires that a public authority:

“...in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.”

Conserving biodiversity is defined to include:

“... in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.”

Resolution

We therefore respectfully request that the ability for the bat advice service contract to cover re-roofing of domestic properties is re-instated as a matter of urgency and that discretion should be introduced to the contract with respect to the coverage of minor works to public buildings such as pest control.

I look forward to your speedy response to the issues set out above, please do not hesitate to contact me if I can be of further assistance in the meantime.

Yours sincerely



Brian Armstrong
VBRV and Committee member
South Yorkshire Bat Group

CC:

Tony Juniper, Chair, Natural England
Chris Packham, President, Bat Conservation Trust
Kit Stoner, Chief Executive Officer, Bat Conservation Trust
Dan Jarvis, Mayor for Sheffield City Region